



HISTORIC LANDMARKS COMMISSION

ACTION MINUTES

AGENDA

November 2, 2016

Regular Session

6:30 p.m.

Wing Room 120

First Floor, City Hall Wing
200 East Santa Clara Street
San José, CA 95113

Commission Members

Edward Saum, Chair
Joshua Marcotte, Vice Chair
Melissa Daniels
Eric Hirst
Patricia Jones
Anthony Raynsford
Max Schultz

Harry Freitas, Director

Department of Planning, Building & Code Enforcement

Note

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Jennifer Provedor at 408-535-3505 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. If you requested such an accommodation, please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

If you want to address the Commission, **fill out a speaker card (located at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for public hearings is as follows:

- After the staff report, *applicants may make a five-minute presentation.*
- Anyone wishing to speak in favor of the proposal should prepare to come forward. After the proponents speak, anyone wishing to speak in opposition should prepare to come forward. *Each speaker will have two minutes.*
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The Commission will then close the public hearing.
- *The Historic Landmarks Commission will take action on the item.*

The procedure for referrals is as follows:

- Anyone wishing to speak on a referral should prepare to come forward. *Each speaker will have two minutes.*
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- *The Historic Landmarks Commission will comment on the referral item.*

If a Commissioner would like a topic to be addressed under one of the Good and Welfare items, please contact Planning staff in advance of the Commission meeting.

An agenda and a copy of all staff reports have been placed on the table for your convenience. All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, 3rd Floor Tower, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

AGENDA

ORDER OF BUSINESS

ROLL CALL

Commissioners Saum, Daniels, Hirst and Raynsford present. Commissioners Marcotte, Jones, and Schultz absent

1. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

No Items

2. CONSENT CALENDAR

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Historic Landmarks Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please make your request at this time

No Items

3. PUBLIC HEARINGS

- a. **MA16-001.** Historical Property Contract (California Mills Act contract) for an existing commercial City Landmark building (El Paseo Court) located in the DC Downtown Primary Commercial Zoning District, on a 0.2-gross acre site at 40-44 South First Street (Ramsey Nijmeh, Owner). Council District: 3. CEQA: Exempt under CEQA Guidelines Section 15331 for Historical Resource Restoration/Rehabilitation. ***PROJECT MANAGER, RINA SHAH***

Recommendation: Consider Historical Property Contract MA16-001. Recommend that the City Council approve the Historical Property Contract as described above.

Staff provided a description of the property and explained the proposed Historical Property Contract (Mills Act Contract) to restore, rehabilitate and maintain the building over a 10-year period in return for a reduced property tax. The applicant was present and thanked the Commission, however he had no comments. Commissioner Saum commended the applicant for participating in the Mills Act, and acknowledged how challenging it is for applicants to develop a 10-year repair program. Commissioner Raynsford indicated that this is one of the most interesting historic buildings in the City. Commissioner Daniels asked what type of businesses they are expecting, and the applicant indicated he did not know yet. Commissioner Daniels motioned for approval and Commissioner Raynsford seconded the motion. The motion passes by a 4-0 vote. It will now to the City Council for final approval.

- b. [HP15-001](#). Historic Preservation Permit to allow the demolition of a fire-damaged church and rectory, removal of six ordinance sized trees, and construction of an approximately 20,000-square foot church/religious assembly building, two-story parking structure, an approximately 15,000-square foot multi-purpose building on a 2.7-gross acre site on the north side of E. Santa Clara Street, between N. 8th Street and N. 9th Street (389 East Santa Clara Street) (Roman Catholic Bishop of San Jose, Owner) in Council District: 3. CEQA: “Our Lady La Vang Church and Multi-Purpose Building” Mitigated Negative Declaration. *PROJECT MANAGER, JENNIFER PIOZET*

Recommendation: Consider Historic Preservation Permit HP15-001. Recommend that the Director of Planning approve the Historic Preservation Permit as described above.

Staff presented an overview of the St. Patrick’s School, a City Historic Landmark building and site, and explained the architectural details of the new proposed church and multi-purpose building& parking structure. Staff described how the Historic Landmarks’ Commission and Design Review Committee’s recommendations have been incorporated into the revised building and site design, and reviewed the findings of consistency with the City’s General Plan, Historic Preservation Ordinance and the Secretary of Interior Standards.

Commissioner Raynsford recused himself from the discussion since he lives near the project area. Since there was not a quorum the Commission would send their recommendations to the Planning Director.

Mr. Licursi, a neighbor, stated that the St. Patrick’s School, the church and also the corner of 9th Street and East Santa Clara Street are very important historically, and he would like to see them preserved. He requested that the item be tabled until the environmental study is completed because he feels the City is losing too many historic landmarks. Staff clarified that the St. Patrick’s School is a Historic Landmark, however, the church is not. Mr. Licursi clarified that he was not talking about the church. The pastor of the church indicated that since the church burned down there are about 15,000 parishioners struggling to find a place to worship. They have planned a St. Patrick’s chapel inside the church and they have done extensive research in Europe and Viet Nam on architecture and lighting to come up with the best design. The old church bell will also be preserved and lit with LED lighting in the proposed new bell tower. The following comments will be sent to the Planning Director:

Commissioner Daniels stated that the church may be too massive on the site, and may be out of place in this neighborhood. Commissioner Hirst feels the design and the setbacks help the new building complement the other existing structures. Commissioner Saum thinks the walkability and the pedestrian experience has been improved, and the Commission’s former comments have been acknowledged in the new design.

The Commission was in favor of giving the church an iconic spot on the corner. Commissioner Saum stated that the design of the new church does not mimic the architecture of St. Patrick’s School, and its complimentary design, colors, and materials, respect the design of the historic school building.

Commissioner Daniels is concerned with the colors and wants something that reflects the neighborhood. Commissioner Saum also indicated that the colors palette should complement the colors used in the existing historic school. He also recommends that a permanent historic photo documentation and exhibit space be provided by the bell tower that explains the past history of the site and historic St. Patrick’s School.

- c. The proposed project would occur on an three parcels totaling approximately 0.5 gross acres, located on the northeast corner of South Market Street and East William Street (APNs: 264-30-089, 264-30-090, and 264-30-114) (Core Gateway II LLC, Owner). Council District 3. CEQA: “Gateway Towers Mixed-Use Project” Supplemental Environmental Impact Report to the Final Program Environmental Impact Report for the Downtown Strategy 2000.

PROJECT MANAGER, TRACY TAM

1. [File No. H15-047](#). Site Development Permit to allow the total demolition of two buildings, the removal of one ordinance-sized tree and the construction of a 25-story building with up to 300 residential units and approximately 5,000 square feet of commercial space.
2. [File No. HP15-003](#). Historic Preservation Permit to allow the partial demolition of City Landmark No. 74, “Herrold College” and incorporation of portions of the City Landmark building into the project H15-047 described above.

Recommendation: Consider Site Development Permit H15-047 and Historic Preservation Permit HP15-003. Recommend that the Director of Planning approve the Historic Preservation Permit and Site Development Permit as described above.

Staff presented an overview of the proposed project, and explained that since the initial submittal the project design has been redesigned to retain and rehabilitate the historic facades of the Herrold College Building (a City Landmark) on First Street and Market Street and the Hegerich & Kemling Building (a Structure of Merit) on South First Street. The redesign also incorporates significant revisions reflective of the Commission’s recommendations including: greater preservation of the historic building facades, revised materials directly adjacent to the historic facades, the addition of a historic exhibit located on South First St. and another historic display on South Market and the revised location of the parking garage exit from South First Street to South Market Street to improve the rhythm of the historic facades. The redesigned project also provides for a 4 foot setback of the proposed building to the historic façade from South First St. and a one-foot setback of the proposed building to the historic facades from South Market Street. The scale and the massing of the new building was also reduced to be better scaled to the historic facades.

The architect made a presentation of their project to the Commission on behalf of the applicant. Jeff Dreyer, a third generation San Jose resident, representing Responsible Development, recommended that the developer hire local highly trained labor to build the project and pay them a “living wage”. Mo Salberg, also a third generation San Jose resident, represents thousands of workers with Plumbers Local #33, who deserve to work on local projects and be paid a “living wage”. David Cruz, a local resident, represents Responsible Development, asked the Commission to recall the balcony that collapsed in Berkeley killing many Irish visitors and asked the Commission to do their homework regarding that incident and how it happened.

Commissioner Raynsford explained that the Commission cannot impose labor requirements or building requirements, and he encouraged them to attend the Planning Commission and City Council Meetings to discuss these issues further. He is grateful that the developer has dealt with several of the Commission’s earlier concerns, especially the maintenance of the historic facades, the colors and materials and the overall design. He was concerned that the project will eliminate the chances for these buildings to be included in the future potential historic district, however, he recommends approving this project.

Commissioner Hirst agreed with Commissioner Raynsford comments, and he is also concerned with massing and style. He particularly likes the open corner design. He would like to see more contrast and feels the sleekness of the materials and colors wash out the historic character. Commissioner Daniels agrees with Commissioner Hirst's comments. She is concerned about the building massing and feels the three stacked windows feel much larger in scale than the 1st floor. Commission Raynsford is also concerned about the scale and articulation of the curtain wall. Commissioner Saum thinks that some of the colors and materials the Commission recommended have been dealt with in the new design. He commended staff's work and also PAC SJ's work and thanked them for their positive letter.

The hearing was closed. The Commission recommends:

- The curtain wall facing First Street be articulated in a way that the scale of the floors become more transparent.
- The elements of the building should have a better relationship to the scale of the adjacent existing buildings.
- The area where Doc Herrold had his school should be a dedicated space for a professionally curated exhibit area. The exhibits, should also include interactive elements to bring more awareness about Doc Herrold, the innovations of early electronics, and the history and culture of San Jose. This should be made a condition of approval of the project and there should be a specific dollar amount included to adequately maintain and support the exhibit space in the future.

4. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES

No Items

5. OPEN FORUM

- a. Members of the public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Commission. The Commission cannot engage in any substantive discussion or take any formal action in response to the public comment. The Commission can only ask questions or respond to statements to the extent necessary to determine whether to (1) refer the matter to staff for follow-up; (2) request staff to report back on a matter at a subsequent meeting; or (3) direct staff to place the item on a future agenda. Each member of the public may fill out a speaker's card and has up to two minutes to address the Commission.

Larry Ames updated the Commission on their work on the Willow Glen Trestle. Recently, the Sixth District Appellate Court referred it back to the previous court to be reviewed using use the original criteria B instead. The National Register staff did not reject it, however, they didn't feel it met the National Register criteria. They returned it for more comment. He feels they will now have the opportunity to convince them so they are hopefully optimistic.

He also informed the Commission that the County is applying for a National Heritage Area status through the National Parks Service under the theme of "Valley of Vision". There will be public hearings.

6. GOOD AND WELFARE

- a. Report from Secretary, Planning Commission, and City Council
 - 1. Past Agenda Items

The Levitt Pavilion and St. James Park Project Historic Preservation Permit is under review and the EIR is under preparation. PRNS will reconvene tomorrow for review of the submittals.
 - 2. Future Agenda Items

The December Agenda will include the Certified Local Government Program 2015-2016 Report.
 - 3. Summary of communications received by the Historic Landmarks Commission
- b. Update on Levitt Pavilion and St. James Park Design Competition activities.

[Finalist Design #1: !melk Fr-ee](#)
[Finalist Design #2: CMG Landscape Architecture](#)

Commissioner Saum provided an update on the Levitt Pavilion and the St. James Park Competition, and Brian Grayson with PACSJ also gave the Commission an update.
- c. Report from Committees
 - 1. Design Review Subcommittee (Saum and Jones)
Meets the 3rd Wednesday of the month as necessary

The Subcommittee did not meet, and they are not likely to meet in December either. Commissioner Saum thanked Martina Davis for her excellent work for the Historic Landmark Commission over the last two years.
- d. Approval of Action Minutes
 - 1. **Recommendation:** Approval of Action Minutes for the Historic Landmarks Commission Meeting of [October 5, 2016](#) **Commission approved minutes with a vote of 4-0.**
- e. Status of Circulating Environmental Documents: Negative Declarations
<http://www.sanjoseca.gov/index.aspx?NID=2165> and Draft Environmental Impact Reports
<http://www.sanjoseca.gov/index.aspx?NID=2434>

No update.

ADJOURNMENT

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.